



FILED
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ALJ/JMO/smt 9/1/2020

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San
Diego Gas & Electric Company (U902E) for
Approval of its Proposals for Dynamic
Pricing and Recovery of Incremental
Expenditures Required for Implementation.

Application 10-07-009

And Related Matter.

Application 19-03-002

**E-MAIL RULING SETTING HEARINGS AND
OTHER MATTERS**

Date September 1, 2020, at San Francisco, California.

/s/ JEANNE M MCKINNEY

Jeanne M. McKinney
Administrative Law Judge

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Sent: Tuesday, September 1, 2020 3:53 PM

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Subject: A.10-07-009/A.1903002 Email Ruling Setting Hearings And Other Matters

A.10-07-009/A.1903002 Email Ruling Setting Hearings And Other Matters

This Ruling sets hearings for September 14, 2020 (status conference), September 24, 2020 (status conference), and September 28 – October 2, 2020 (evidentiary hearing). This Ruling also addresses the instructions and expectations for these hearings, including remote participation expectations. This Ruling also sets requirements for certain documents, including the Exhibit List.

I. Updated Procedural Schedule:

Note that the due date for Supplemental Rebuttal Testimony has been moved from September 14, 2020 to September 15, 2020.

Event	Date/Location
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Due date for SDG&E to submit the Joint Status Conference Statement (served and filed) and draft Exhibit List (served only)	September 10, 2020
Formal Status Conference/WebEx Test All parties should participate via WebEx using the same set-up (equipment, location) they expect to use for evidentiary hearings.	September 14, 2020 at 2 pm Call In number and webcast information TBA.
Rebuttal testimony on Dynamic rates served and uploaded to Supplemental Documents	September 15, 2020
Due date for any motions to strike testimony (served and filed)	September 22, 2020
Due date for Exhibit List and Cross-Examination Schedule (served by SDG&E)	September 22, 2020
Status Conference to address schedule and other matters related to Evidentiary Hearings	September 24, 2020, 10 am Call-In Number: 866-919-1432 Participant PASSCODE: 6245303
Evidentiary Hearing	September 28, 2020 – October 2, 2020 (9:30 – 4:00 PM) Call In number and webcast information TBA.
Opening Briefs served and filed	October 26, 2020
Reply Briefs served and filed	November 9, 2020

II. September 14 Status Conference Instructions

The September 14, 2020 Status Conference will primarily be a chance for all parties and the Commission to test out WebEx Event capabilities. Parties should treat this as a dress rehearsal including location, equipment, and witnesses.

The format and technical staff will be very similar to the SCE evidentiary hearings held in July 2020. We will rely on the Exhibit List (see below) to ensure that we are all looking at the same documents.

Prior to the Status Conference, SDG&E shall prepare and serve the following documents:

- (1) Joint Status Conference Statement (served and filed)
- (2) Draft Exhibit List (served)

Joint Status Conference Statement Contents

- a. Status of settlement talks.
- b. Whether there are issues that would benefit from assignment of a neutral from ALJ Divisions' Alternative Dispute Resolution Program.
- c. Joint Stipulations of fact.
- d. Factual issues that parties believe could potentially be addressed through additional written testimony instead of a hearing.
- e. Written testimony that parties believe should be subjected to cross-examination in a formal hearing prior to being moved into the evidentiary record.

Preliminary Exhibit List

Each party sponsoring exhibits will provide the ALJ with a list of each of its exhibits, including the name and description of the exhibit and proposed exhibit number. A blank exhibit list template will be circulated in a separate procedural email. Each party shall also coordinate with SDG&E to compile a complete up-to-date Exhibit List after each day of hearings. The Exhibit List should include links to the exhibit in "supporting documents." Parties shall cooperate with SDG&E to serve a Preliminary Exhibit List prior to the September 14 2020 status conference.

III. September 24, 2020 Status Conference

The September 24, 2020 Status Conference will be telephonic. We will use it to finalize the witness cross schedule, address any motions or other concerns about written testimony, establish a plan for handling of confidential material in the evidentiary hearing, and address any other matters relevant to the start of the evidentiary hearing.

Prior to the Status Conference, no later than September 22, 2020, SDG&E shall prepare and serve the following documents:

- (1) Exhibit List
- (2) Proposed Cross-Examination Schedule

Instructions for Evidentiary Hearings

- i. Distribution of exhibits
 - a. Exhibits must be served by email to the service list and submitted as “supporting documents” using the Electronic Filing System at the Commission’s website pursuant to Rule 13.7(f). There is no need to serve hard copies of exhibits by mail to the ALJ.
- ii. Exhibit List
 - a. Each party sponsoring exhibits will provide the ALJ with a list of each of its exhibits, including the name and description of the exhibit and proposed exhibit number. The attached exhibit list should be used for this purpose. Each party shall also coordinate with SDG&E to compile a complete up-to-date Exhibit List after each day of hearings. The Exhibit List should include links to the exhibit in “supporting documents.”
 - b. SDG&E is directed to compile the up-to-date Exhibit List prior to the next day of Evidentiary Hearings. The Exhibit List should be served on the service list and the court reporters each morning before the start of hearings.
 - c. Generally, a party should serve cross-examination exhibits two days in advance of the witness’ testimony. A party is not required to serve an advance copy of an exhibit to be used to impeach a witness’ credibility.
- iii. Preparation of Exhibits
 - a. The upper right-hand corner of the first page of each exhibit (or cover sheet) will be left blank for the ALJ’s exhibit stamp (approximately 2 inches high x 3.5 inches wide). All exhibits will be bound on the upper left corner or left side and will comply with the requirements of Rule 13.7.
 - b. Parties will ensure that all exhibits are clean, corrected and final versions. All exhibits will integrate errata prior to the hearings. Generally, corrections to an exhibit should be made in advance and not from the witness stand.
 - c. Parties will pre-mark their prepared testimony exhibits as follows:

- i. Exhibit number
 - ii. Proceeding number
 - iii. Sponsor/Witness
 - iv. Date(s) served (including revision dates)
 - d. Exhibits will be marked with a short acronym for the sponsoring party followed by sequential numbering. For example: SDGE-1, SDGE-2. Confidential exhibits will be labeled with the same number as the public version of the exhibit followed by the letter "C." For example, the confidential version of SDGE-1 would be labeled SDGE-1-C.
 - e. Partial documents or excerpts from documents must include a title page or first page from the source document. Excerpts from lengthy documents should include a table of contents page covering the excerpted material.
- iv. Corrections and Errata
- a. To the extent possible, the final version of each exhibit should be updated to include any necessary corrections. A redline version showing the corrections should also be added to "supporting documents." The Exhibit List should link to this final version of the exhibit (not to previous version) and to the redline version.
 - b. The corrected version and redline should be served on the service list as soon as possible.
 - c. The upper right-hand corner of the first page of each exhibit (or cover sheet) will be left blank for the ALJ's exhibit stamp (approximately 2 inches high x 3.5 inches wide). All exhibits will be bound on the upper left corner or left side and will comply with the requirements of Rule 13.7.
- iii. Motions
- a. Motions to strike prepared testimony should be made no later than September 22, 2020 before the witness appears to allow the ALJ time for review of the arguments and relevant testimony.

Audio/Visual Set Up for Evidentiary Hearings

- The audio/visual setup for the hearings will include both phone and WebEx. Any person that intends to speak during the hearings should call in via telephone for audio and log in to WebEx for video.

- Audio component of hearing will be via telephone line:
 - There is a separate passcode for persons who will be speaking during the hearings. The speaker passcode will be sent directly to counsel and witness identified during the status conference held on August 10, 2020. If you intend to speak during the hearings and do not have the speaker passcode, please contact me directly.
- Video component of hearing will be via the internet, utilizing WebEx Events:
 - Parties' counsel, witnesses, court reporters, and Administrative Law Judges must have their video on during the hearing and will be visible on the screen; other attendees do not appear on the screen and will be in a watch-only mode.
 - All persons logging in to WebEx will enter as an attendee. CPUC staff will activate visibility for those designated as visible.
- We request that all participants log in **15 minutes** prior to the start of the hearings on the first day. This will help ensure that we will be able to start the hearings on time and also allow for us to address housekeeping matters prior to going on the record.
- Participants should ensure prior to the hearings that they have necessary audio/visual equipment, sufficient power/battery, and sufficient connectivity.
- All attendees should mute their phone line when not speaking.
- For technical issues with WebEx or the telephone line, parties may e-mail Robert Stanford at Robert.Stanford@cpuc.ca.gov.

Procedural Instructions to Support Remote Hearings

- Instructions for Speaking: The court reporters will be relying on the audio from the phone line to transcribe the hearings. In order to ensure a complete and accurate record, participants should follow the following instructions:
 - Speakers must identify themselves before speaking each time;
 - Speakers must speak slowly, clearly, and one at a time; and
 - Speakers should pause between statements, especially between question and answer during the course of an examination.
- When there are garbled or indecipherable statements, the court reporter will interrupt the speakers when it is possible to do so or may insert the word "inaudible" in the transcript.
- How Parties Should Indicate They Want to Speak:
 - Generally, parties should speak only when addressed and called on by the ALJ.
 - An exception to this is when a party would like to object to a question during the course of examination of a witness. In such instances, after the completion of a question, an attorney may orally interject. The attorney should first state his/her name and then briefly state the objection. Witnesses should be instructed to take a pause before

responding to a question to provide time for any objections and to account for any lags due to audio delay.

- o To the extent that parties have an issue or question that they would like to raise, but that is not time-sensitive, they may pose the issue/question in the Q&A function of WebEx. The ALJ will set aside time to address these questions directly before or following breaks.
- Private Communications: During the Evidentiary Hearing, we expect that there will be no private communications (via phone, text, e-mail, or any other medium) with a witness while he or she is on the stand being examined. We will require both the witness and the attorneys to affirm while on the record that they will not engage in any private communications during the course of the witness' examination.

It is so ordered.

The Docket Office Shall Formally File this Ruling.

Jeanne M. McKinney

Administrative Law Judge

California Public Utilities Commission

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